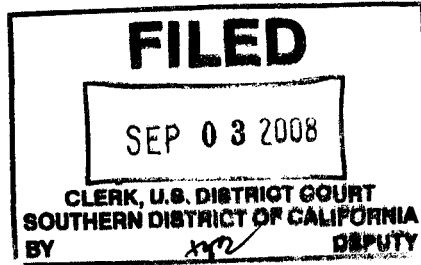


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8803

UNITED STATES OF AMERICA,

Plaintiff,

v.

Maria de Jesus NUNEZ

Defendant.

Magistrate Case No.

COMPLAINT FOR VIOLATION OF


21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

On or about September 2, 2008, within the Southern District of California, defendant Maria de Jesus NUNEZ did knowingly and intentionally import approximately 37.27 Kilograms (81.99 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.



Douglas A. Struckmeyer
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 3rd
DAY OF SEPTEMBER, 2008.



PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Maria de Jesus NUNEZ

4
5 STATEMENT OF FACTS

6 This complaint is based upon the personal observations, investigation and
7 information provided to U.S. Immigration and Customs Enforcement Special Agent
8 Douglas Struckmeyer.

9 On September 2, 2008, Maria de Jesus NUNEZ entered the United States at the
10 Calexico, California West Port of Entry. NUNEZ was the driver and sole occupant of a
11 2000 Chevrolet Cavalier registered to another person. At the time of her entry, Canine
12 Enforcement Officer (CEO) D. Ragsdale was conducting pre-primary inspection
13 operations with his Narcotic Detector Dog (NDD). CEO Ragsdale observed NUNEZ
14 sitting rigidly in the driver's seat of her vehicle with both hands firmly on the steering
15 wheel. CEO Ragsdale used his NDD to screen NUNEZ' vehicle. The NDD alerted to
16 the vehicle, indicating the presence of the odor of a controlled substance.
17

18 NUNEZ was then removed from the vehicle and escorted through the primary
19 inspection lane. In the primary inspection lane, Customs and Border Protection Officer
20 (CBPO) J. Lizarraga received a negative Customs declaration from NUNEZ. From the
21 primary inspection lane, NUNEZ was escorted to the vehicle secondary office, while the
22 vehicle was taken to the vehicle secondary lot for further inspection.
23

24 CBPO Moreno encountered NUNEZ in the vehicle secondary office. CBPO
25 Moreno received a negative Customs declaration from NUNEZ. NUNEZ told CBPO
26 Moreno that the vehicle belonged to her, and that she had purchased it the previous
27 day.
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1 Further inspection of the vehicle resulted in the discovery of 32 packages
2 concealed within the rear quarter panels and front doors of the vehicle. The packages
3 contained a green leafy substance which field-tested positive for marijuana. The total
4 weight of the packages was 37.27 Kilograms (81.99 pounds).

5 Special Agents (SA) Struckmeyer and Lewenthal responded to the Port of Entry
6 and interviewed NUNEZ. NUNEZ denied knowledge of the marijuana found concealed
7 in the vehicle, however she did receive multiple telephone calls from a person named
8 JOSE. NUNEZ identified JOSE as the owner of the vehicle, contrary to her prior
9 statement that she is the owner of the vehicle.
10

11 SA's Struckmeyer and Lewenthal also interviewed Susana ZAVALA-Flores,
12 NUNEZ' neighbor. ZAVALA stated that NUNEZ left her two children with her stating
13 that she was going to Calexico to go shopping. ZAVALA stated that she has known
14 NUNEZ since NUNEZ was 13 years old and that she knows that NUNEZ does not own
15 a vehicle. NUNEZ left her home in a taxi cab earlier in the day and was supposed to
16 return to pick up her children.
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